

ARCHITECTURAL EXAMINING BOARD[193B]

Adopted and Filed

Pursuant to the authority of Iowa Code section 544A.29, the Architectural Examining Board hereby amends Chapter 4, “Rules of Conduct,” Iowa Administrative Code.

The amendments are a result of 2017 Iowa Acts, Senate File 408, which requires licensure rather than registration of architects practicing in this state. This bill passed the Iowa Senate on March 28, 2017, 49-0, and passed the Iowa House on April 6, 2017, 96-0; it was signed by then Governor Branstad on May 11, 2017. The amendments change terminology from registered/registration to licensed/licensure.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3174C** on July 5, 2017. A public hearing was held on July 25, 2017. There were a few comments in response to the Notice. Most of the feedback consisted of questions regarding the timing of obtaining a new seal. Two responses were supportive, and one questioned whether “architect” needed any modifier. These amendments are identical to those published under Notice.

The amendments are subject to waiver or variance pursuant to 193—Chapter 5.

The amendments were adopted by the Board on August 22, 2017.

After analysis and review of this rule making, the Professional Licensing and Regulation Bureau determined that there will be no impact on jobs and no fiscal impact to the state.

These amendments are intended to implement Iowa Code chapter 544A as amended by 2017 Iowa Acts, Senate File 408.

These amendments will become effective November 1, 2017.

The following amendments are adopted.

ITEM 1. Amend rule 193B—4.1(544A,17A), introductory paragraph, as follows:

193B—4.1(544A,17A) Rules of conduct. Failure by a ~~registrant~~ licensee to adhere to the provisions of Iowa Code sections 272C.10 and 544A.13 and the following rules of conduct shall be grounds for disciplinary action.

ITEM 2. Amend subrule 4.1(1) as follows:

4.1(1) Definitions. The following definition applies as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules, unless the context otherwise requires.

“*Responsible charge*” means the amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a ~~registered~~ licensed architect applying the required professional standard of care, including but not limited to an architect’s integration of information from manufacturers, suppliers, installers; the architect’s consultants, owners, contractors; or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect’s technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible charge because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

ITEM 3. Amend subrule 4.1(4) as follows:

4.1(4) Full disclosure.

a. to c. No change.

d. An architect shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with application for ~~registration~~ licensure or renewal of ~~registration~~ license.

e. An architect shall not assist the application for ~~registration~~ licensure of a person known by the architect to be unqualified in respect to education, training, experience or character.

f. No change.

ITEM 4. Amend subrule 4.1(5) as follows:

4.1(5) Compliance with laws.

a. An architect shall not, in the conduct of architectural practice, knowingly violate any state or federal criminal law. A “conviction” for purposes of this paragraph and Iowa Code section 544A.13 means a conviction for an indictable offense and includes the court’s acceptance of a guilty plea, a deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction. A copy of the record of conviction, guilty plea, deferred judgment, or other finding of guilt is conclusive evidence. A ~~registered~~ licensed architect shall notify the board of a conviction within 30 days of the conviction.

b. No change.

c. An architect shall comply with the ~~registration~~ licensing laws and regulations governing the architect’s professional practice in any United States jurisdiction.

d. An ~~Iowa-registered~~ Iowa-licensed architect shall report to the board in writing any revocation, suspension, or other disciplinary action taken by a licensing authority in any other state or jurisdiction within 30 days of the final action.

ITEM 5. Amend subrule 4.1(6) as follows:

4.1(6) Professional conduct.

a. No change.

b. An architect shall not sign or seal drawings, specifications, reports or other professional work for which the architect does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of professional work prepared by the architect’s consultants, ~~registered~~ licensed under this or another professional ~~registration~~ licensing law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed that portion, has coordinated its preparation and intends to be responsible for its adequacy.

c. and d. No change.

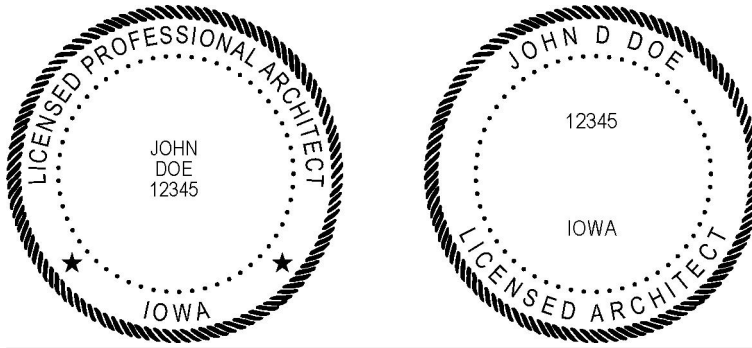
ITEM 6. Amend subrule 4.1(7) as follows:

4.1(7) Seal and certificate of responsibility.

a. No change.

b. Description of seal: The diameter of the outside circle shall be approximately 1¾ inches. The seal shall include the name of the ~~registered~~ licensed architect and the words “~~Registered~~ Licensed Architect”. The Iowa ~~registration~~ license number and the word “Iowa” shall be included. The seal shall substantially conform to the samples shown below:





c. No change.

d. Each technical submission submitted to a client or any public agency, hereinafter referred to as the official copy, shall contain an information block on its first page or on an attached cover sheet with application of a seal by the architect in responsible charge and an information block with application of a seal by each professional consultant contributing to the technical submission. The seal and original signature shall be applied only to a final technical submission. Each official copy of a technical submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the technical submission. Each information block shall display the seal of the individual responsible for that portion of the technical submission. The area of responsibility for each sealing professional shall be designated in the area provided in the information block, so that responsibility for the entire technical submission is clearly established by the combination of the stated seal responsibilities. The information block will substantially conform to the sample shown below:

S E A L	I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly registered <u>licensed</u> architect under the laws of the state of Iowa.	
	<hr/>	
	<hr/>	
	Signature	Date
	<hr/>	
	Printed or typed name_____	
	License number_____	
	My license renewal date is June 30,_____.	
	Pages or sheets covered by this seal: _____	
	<hr/>	

e. to h. No change.

[Filed 9/5/17, effective 11/1/17]

[Published 9/27/17]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/27/17.